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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 ROBERT JAMES PARSONS, II,

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11 Plaintiff,

12 v.

13 WILLIAM JOSEPH FISHER and
14 JOHN TODD MEYERS,

15
16 Defendants.

No. 2:17-MC-0009-JTR

ORDER DENYING, WITHOUT
PREJUDICE, PLAINTIFF'S
MOTIONS TO COMPEL
DISCOVERY AND APPLICATION
FOR CHARGING ORDER

17
18 **BEFORE THE COURT** are Plaintiff's motions to compel discovery
19 pursuant to FED. R. CIV. P. 69(a)(2) and Wash. Rev. Code § 6.32.015, ECF No. 2 &
20 3, and an application for a charging order, ECF No. 4. Plaintiff is represented by
21 Charles R. Steinberg.

22 The United States District Court for the Southern District of Florida entered
23 default against Defendant on May 12, 2015, based on Defendants' failure to
24 comply with Court orders. ECF No. 1. On October 5, 2015, the Southern District
25 of Florida entered judgment against Defendants in the amount of \$214,172.84, plus
26 post-judgment interest. *Id.* That judgment purportedly remains unsatisfied. ECF
27 No. 2-4. The Southern District of Florida judgment was registered in the United
28 States District Court for the Eastern District of Washington on May 22, 2017. ECF

1 No. 1. Plaintiff now seeks to compel discovery and requests the issuance of a
2 charging order to determine whether Defendants have an interest in property within
3 the Eastern District of Washington to apply toward the satisfaction of the Southern
4 District of Florida judgment. ECF No. 2-4.

5 **A. Motions to Compel**

6 On October 6, 2017, Plaintiff filed two motions to compel discovery to aid
7 in the collection of the unsatisfied judgment. ECF No. 2-3.

8 The Court may require judgment debtors to answer written interrogatories
9 propounded upon them under FED. R. CIV. P. 69. Wash. Rev. Code § 6.32.015.
10 The Federal Rules of Civil Procedure provide that if a party fails to timely answer
11 a submitted interrogatory, the party seeking discovery may move the Court for an
12 order compelling an answer to the interrogatory request. FED. R. CIV. P. 37(a)(3).
13 “The motion must include a certification that the movant has in good faith
14 conferred or attempted to confer with the person or party failing to make disclosure
15 or discovery in an effort to obtain it without court action.” FED. R. CIV. P. 37(a)(1).

16 Plaintiff’s motions to compel answers to “written interrogatories” fail to
17 describe any attempts by Plaintiff to obtain answers to interrogatory requests from
18 each named defendant prior to seeking the intervention of this Court. The motions
19 also fail to identify any specific interrogatory question that a named defendant
20 refused to answer and the defendant’s specific response to the interrogatory
21 question, if any. Without more information, the Court is not able to grant
22 Plaintiff’s motions to compel discovery.

23 **B. Application for Charging Order**

24 Plaintiff requests the issuance of a charging order against the nonexempt
25 interest of Defendant Fisher in House of WA Holdings, LLC. ECF No. 4.

26 The procedure for reaching a judgment debtor’s interest in a partnership or
27 limited liability company is a charging order. While it appears Plaintiff seeks to
28 procure Defendant Fisher’s interest in a limited liability company registered in

1 Wenatchee, Washington, Plaintiff does not state the authority for the issuance of a
2 charging order in this case¹ or any facts supporting Plaintiff's belief that Defendant
3 Fisher has an ownership interest in the cited limited liability company. To the
4 extent Plaintiff seeks to compel the production of documents,² Plaintiff has again
5 failed to specifically identify any prior attempts to obtain this discovery or
6 Defendants' responses to any such discovery attempts. *See* FED. R. CIV. P.
7 37(a)(1), (a)(3)(iv).

8 Based on the foregoing, **IT IS HEREBY ORDERED:**

9 1. Plaintiff's motions to compel discovery, **ECF No. 2 & 3**, are
10 **DENIED without prejudice.**

11 2. Plaintiff's Application for Charging Order, **ECF No. 4**, is **DENIED**
12 **without prejudice.**

13 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
14 Order and provide a copy to counsel.

15 DATED October 18, 2017.



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A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

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JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE

¹The Washington State law governing a request for a charging order with
respect to a limited liability company is Wash. Rev. Code § 25.15.256. The Court
has the discretion to issue a charging order against the interest of a member of a
limited liability company in order to satisfy a judgment. *See Ivy v. Brown*, 139
Wash. App. 1017 (2007) (unpublished).

²In Plaintiff's prayer for relief, Plaintiff requests that Defendant produce to
Plaintiff copies of the partnership agreement or any other agreements or documents
evidencing the interest of Defendant in House of WA Holdings, LLC. ECF No. 4
at 2.